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CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

1 EDMUND G. BROWN JR.  
Attorney General of the State of California  
2 JACOB A. APPEL SMITH  
Senior Assistant Attorney General  
3 VINCENT J. SCALLY, JR., State Bar No. 058223  
Supervising Deputy Attorney General  
4 RICHARD L. MANFORD, State Bar No. 051092  
Deputy Attorney General  
5 KATHRYN ALLEN, State Bar No. 137685  
Deputy Attorney General  
6 LYN HARLAN, State Bar No. 171471  
Deputy Attorney General  
7 1300 I Street, Suite 125  
P.O. Box 944255  
8 Sacramento, CA 94244-2550  
Telephone: (916) 324-5468  
9 Fax: (916) 324-5567

10 Attorneys for Defendants Robert L. Ayers, Jr. and  
Teresa A. Schwartz

11  
12 IN THE UNITED STATES DISTRICT COURT  
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

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15  
16 **DEANNA L. FREITAG,** Plaintiff,  
17  
18 v. Defendants.  
19 **CALIFORNIA DEPARTMENT OF**  
**CORRECTIONS AND REHABILITATION,**  
20 **ROBERT L. AYERS, JR., and TERESA A.**  
**SCHWARTZ,**

Case No.: C-00-2278 TEH

**NOTICE OF APPEAL FROM**  
**ORDER GRANTING**  
**PLAINTIFF'S MOTION RE:**  
**REMANDED ISSUES**  
**ORDER ENTERED JUNE 6, 2007**

23 **NOTICE IS HEREBY GIVEN THAT** defendants, Robert L. Ayers, Jr. and Teresa  
24 A. Schwartz, and each of them, hereby appeal to the United States Court of Appeals for the Ninth  
25 Circuit from the order of this Court granting plaintiff's motion regarding remanded issues, which  
26 order was entered against defendants in the above-captioned proceeding on June 6, 2007.

27 Pursuant to the Federal Rules of Appellate Procedure and Ninth Circuit Rules,  
28 defendants' Civil Appeals Docketing Statement is filed concurrently herewith. Fed.R.App.P. 25;

1 9<sup>th</sup> Cir. Rule 3-4. A true and correct copy of the appealed-from order is attached thereto as  
2 Exhibit A and incorporated herein by this reference.

3 Pursuant to the Federal Rules of Appellate Procedure and Ninth Circuit Rules, a true  
4 and correct copy of defendants' Representation Statement is attached to defendants' Civil  
5 Appeals Docketing Statement as Exhibit B and incorporated herein by this reference.  
6 Fed.R.App.P. 12(b); 9<sup>th</sup> Cir. Rule 3-2(b), 12-2.

7 Pursuant to the Federal Rules of Appellate Procedure and Ninth Circuit Rules,  
8 defendants have ordered a reporter's transcript of the proceedings held on June 4, 2007, at 10:00  
9 a.m., in Courtroom 12, and before the Honorable Thelton E. Henderson, during which oral  
10 arguments upon plaintiff's motion upon remanded issues were heard and reported. A notice of  
11 ordered transcript is filed concurrently herewith. Fed.R.App.P. 10; 9<sup>th</sup> Cir. Rule 10-3.1(a). True  
12 and correct copies of the order for reporter's transcript and fax transmittal sheet are attached  
13 thereto as Exhibit A and incorporated herein by this reference.

14 Dated: June 27, 2007

15 Respectfully submitted,

16 EDMUND G. BROWN JR.  
17 Attorney General of the State of California

18 JACOB A. APPELSMITH  
19 Senior Assistant Attorney General

20 RICHARD L. MANFORD  
21 Deputy Attorney General

22 KATHRYN ALLEN  
23 Deputy Attorney General

24 LYN HARLAN  
25 Deputy Attorney General

26  
27 *Vincent J. Scally, Jr. by Katinay, LLC*  
28 VINCENT J. SCALLY, JR.  
Supervising Deputy Attorney General  
Attorneys for Defendants Robert L. Ayers, Jr. and Teresa A.  
Schwartz

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SA2000CV1993

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **Freitag v. CDCR, et al.**

Case No.: **C-00-2278 TEH**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On June 27, 2007, I served the attached **NOTICE OF APPEAL FROM ORDER GRANTING PLAINTIFF'S MOTION RE: REMANDED ISSUES ORDER ENTERED JUNE 6, 2007** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 1300 1 Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550, addressed as follows:

Pamela Y. Price, Esq.  
Price and Associates  
1611 Telegraph Avenue, Suite 1450  
Oakland, CA 94612  
Attorney for Plaintiff

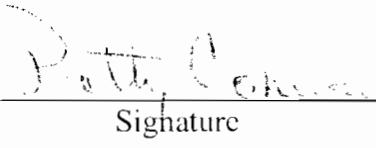
Charles Stephen Ralston, Esq.  
3188 County Route 9  
East Chatham, NY 12060  
Attorney for Plaintiff

John L. Burris, Esq.  
Law Offices of John L. Burris  
7677 Oakport Street, Suite 1120  
Oakland, CA 94621  
Attorney for Plaintiff

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on June 27, 2007, at Sacramento, California.

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Patty Conway  
Declarant

  
Signature